IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19074 of 2004

Between:

P.Vincent Rao S/o Late James, Khammam Distriact, Scheduled Castes Co-operative Society ltd Khammam , Khamman distirct

..... PETITIONER

AND

1. The Andhra PRadesh Scheduled Castes Coopertive Finance Corporation Limited, rep.by Vice-Chairman and Managing Director, Hyderabad.
2 The Khammam District Scheduled Castes co-operative Society Limited, rep.by Executive Director, Khamman, Khammam district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus and to declare the action of the respondents in not filling up the vacancies of Deputy Executive Engineer in the 2nd respondent society in accordance with rules governing the service by considering the claim of the Petitioner for promotion as per his seniority, suitability and eligibility and by applying the rule of reservation in favour of Scheduled castes candidates in the matter of promotions with all consequential benefits.

Counsel for the Petitioner: MR.P.NAVEEN RAO

Counsel for the Respondents : MR.M.V.S.SURESH KUMAR

The Court at the admission stage, made the following :

HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 19074 of 2004

ORDER:

The petitioner is working as an Assistant Engineer in the 2nd respondent-Society since 1987. He claims that he is the senior most Assistant Engineer in the 2nd respondent-Society. The petitioner further contends that he is qualified for promotion to the post of Deputy Executive Engineer. There are two posts of Deputy Executive Engineers in the 2nd respondent-Society, one at Khammam and the other at Kothagudem. As per the Service Rules, the ratio of 2:1 between the Assistant Executive Engineers and the Assistant Engineers has to be maintained for promotion to the posts of Deputy Executive Engineers. Consequent to the deputation of the Deputy Executive Engineers, two posts had fallen in vacant. The respondents, instead of filling up the posts of Deputy Executive Engineers on regular promotions, are making in-charge arrangements with the Engineers belonging to the Panchayat Raj Department.

One of those Engineers was transferred from Khammam to Mudigonda and the said post is lying vacant. The respondents, instead of considering filling up the post on regular basis, are contemplating to make in-charge arrangement. The petitioner, therefore, approached this Court through this writ petition seeking a direction to the respondents to fill up the vacancy of the Deputy Executive Engineer in the 2nd respondent-Society in accordance with the Rules.

2. The regular promotion to the post of Deputy Executive Engineer has to be made according to the Rules. Therefore, there shall not be any specific direction to the respondents to promote the petitioner as a Deputy Executive Engineer. It is for the respondents to take appropriate steps for regular appointment to the post of Deputy Executive Engineer of the 2nd respondent-Society from among the qualified Engineers. So far as the in-charge arrangement is concerned, in the event of the respondents not in a position to fill up the regular post of the Deputy Executive Engineer in the near future, the respondents may consider the request of the petitioner for posting him as in-charge Deputy Executive Engineer in stead of bringing the Engineers from other departments and pass appropriate orders according to the Rules in force.

3. Accordingly, the writ petition is disposed of.

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November 16, 2004.

Note:

Issue C.C. in three days.

B/o.

KVR

To

1. The Vice-Chairman and Managing Director,Andhra PRadesh Scheduled Castes Coopertive Finance Corporation Limited, rep.by Hyderabad.
2 The Executive Director, Khammam District Scheduled Castes co-operative Society Limited, rep.by Khamman, Khammam district.
3. Two C.D.Copies.